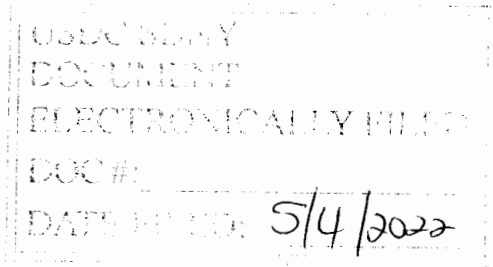


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
JOSE J. SHOMO,

Plaintiff,

-against-



21 **CIVIL** 128 (PMH)

**JUDGMENT**

STATE OF NEW YORK DEPARTMENT OF  
CORRECTIONS AND COMMUNITY  
SUPERVISION, et al.,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated May 4, 2022, Defendants' motion to dismiss is GRANTED and the Complaint is DISMISSED with prejudice for failure to state a claim. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint... leave to amend is not necessary when it would be futile." *Reed v. Friedman Mgmt. Corp.*, 541 F. Appx 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). The Complaint is dismissed with prejudice because any amendment would be futile. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Memorandum Opinion and Order would not be taken in good faith. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Plaintiff is not otherwise entitled to proceed IFP under 28 U.S.C § 1915(g). IFP status is therefore denied for the purpose of an appeal; accordingly, the case is closed.

**Dated:** New York, New York

May 4, 2022

**RUBY J. KRAJICK**

\_\_\_\_\_  
**Clerk of Court**

BY:

\_\_\_\_\_  
*Kmarigo*  
**Deputy Clerk**